UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,500	01/25/2002	Helge Altfeld	13292-008001	4344

26161	7590	01/13/2005

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EXAMINER
CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/057,500	ALTFELD, HELGE
	Examiner	Art Unit
	John Chavis	2124

-- The MAILING DATE f this communication appears on the c ver sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 January 2002</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

2.   Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. The applicant indicates that an executable file is

generated; however, it appears that the invention merely modifies the name of the file.

Nothing in the claim appears to indicate that a file is generated other than the preamble

(which is hereby considered unsupported desired results).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
> United States before the invention thereof by the applicant for patent, or on an international application
> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
> title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4.   Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Stewart

et al. (6,389,460). The invention is also considered to read on a person sitting at his/her

desk dividing an application name and saving the name on the paper it is divided on.

Claims	Stewart
1. A method of generating an executable file, the method comprising:	See col. 4 lines 33-45.
subdividing a target name into portions at one or more predetermined points; and	" " "
saving at least one portion as a list variable.	See col. 4 lines 45-53.
2. The method of claim 1, wherein subdividing comprises identifying the predetermined points by detecting a first character sequence, the first character sequence separating compiler conditions.	See col. 4 line 54-col. 5 line 4.
3. The method of claim 2, wherein detecting the first character sequence comprises detecting an underscore.	See the cited portion for claim 2 and claim 9 of '460.
4. The method of claim 1, wherein subdividing comprises identifying the predetermined points by detecting a second character sequence, the second character sequence separating run-set components.	" " " " "
5. The method of claim 4, wherein detecting the second character sequence comprises detecting a period.	" " " " "
6. The method of claim 1, wherein saving at least one portion comprises using the list variable as a run-set component.	See col. 11 line 48-col. 12 line 2.

7. The method of claim 1, wherein saving at least one portion comprises using the list variable as a manufacturing-set component.	See col. 20 lines 50-55 and col. 21 lines 38-54.
8. The method of claim 1, wherein saving at least one portion comprises using the list variable as a compiler condition.	Names are inherently considered compiler conditions to enable storage and access to data.
9. The method of claim 1, further comprising determining that the target name can be further subdivided at one or more delimiters.	See the cited portions above and col. 16 line 49-col. 17 line 38.
10. The method of claim 8, further comprising using the list variable as a dependency.	" " " " "
11. The method of claim 8, further comprising using the list variable as a declared object.	See table 2 in col. 18.
12. The method of claim 11, further comprising transforming the list variable to have a compiler specific prefix.	See the rejection of claim 8.

The features of claims 13-24 and 25-36 are rejected as claims 1-12 above.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (703) 571-3720. The examiner can normally be reached on M-Tue & Th-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 571-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

John Chavis

Primary Examiner AU-2124